



9200/2674 DHC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

PETER JANSSEN ET AL

US010236

Serial No. 09/853,940

Group Art Unit: 2674

Filed: May 10, 2001

Examiner: Abbasi Abdulsalam

HIGH PERFORMANCE REFLECTIVE LIQUID CRYSTAL LIGHT VALVE USING A MULTI-ROW ADDRESSING SCHEME

Honorable Commissioner for Patents
Alexandria, VA 22313-1450
Mail Stop Petition

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MAR 25 2004

Technology Center 2600

PETITION FOR WITHDRAWAL
OF HOLDING OF ABANDONMENT UNDER 37 CRF 1.181a

Sir:

This Petition is in response to a Notice of Abandonment dated 14 January 2004 (copy attached).

Abandonment of the above-identified patent application is alleged on the grounds that Applicant failed to timely file a proper reply to the Office Letter mailed on 24 April 2003. The Letter also states that no reply has been received.

To the contrary, a one month extension and an amendment responding to the Office Action dated 24 April 2003 was transmitted by facsimile to the Patent Office on 25 August 2003 (as evidenced by the attached copy of the amendment, the extension and the fax cover letter) and were in fact received by the Patent Office on 25 August 2003 (as evidenced by the attached copy of a Auto-Reply Facsimile Transmission from the U.S. Patent Office).

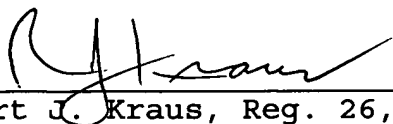
Further, contrary to the statement in the Notice of Abandonment that no reply has been received, the amendment with the Auto-Reply Facsimile Transmission dated 25 August 2003 was re-transmitted on 12 November 2003, at the request of the Patent Office (as evidenced by the attached copy of a facsimile transmission cover sheet, a locally generated confirmation of the transmission and an Auto-Reply Facsimile transmission from the U.S. Patent Office), all dated 12 November 2003. This was done at the request of Examiner Abdulsalam in a phone conversation with the undersigned attorney on 11 November 2003, when he asked that we fax to him a copy of the response previously faxed on 25 August 2003. This phone conversation was itself in response to a phone message left for the undersigned attorney by Examiner Abdulsalam on 7 November 2003 and asking if this application is being abandoned.

In view of the foregoing, withdrawal of the erroneous holding of abandonment is respectfully requested.

Please charge any fee required for this Petition to Deposit Account No. 14-1270.

<p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:</p> <p align="center">Commissioner of Patents and Trademarks Alexandria, VA 22313</p> <p>Date: <u>March 18, 2004</u></p> <p>By: <u>Elissa DeLucy</u></p>

Respectfully submitted,

By 
Robert J. Kraus, Reg. 26,358
Attorney
(914) 333-9634



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,940	05/10/2004	Peter J. Janssen	US 010236	6838

24737 7590 01/14/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

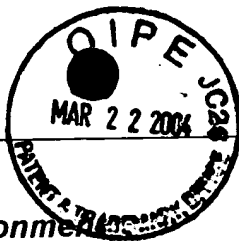
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ABN Feb 03
Pw



Notice of Abandonment

Application No.

09/853,940

Examiner

Abbas I Abdulsalam

Applicant(s)

JANSSEN ET AL.

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 April 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Auto-Reply Facsimile Transmission




TO: Fax Sender at 914 332 0615
Fax Information
Date Received: 11/12/2003 9:03:14 AM [Eastern Standard Time]
Total Pages: 12 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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11/12/03	WED 10:04 FAX 914 332 0615	PHILIPS ELECTRONICS	001
FACSIMILE TRANSMISSION TO THE UNITED STATES PATENT AND TRADEMARK OFFICE			
FAX No.: (703) 872-7344			
TO:	<u>Examiner Abbasi Abdulsalam</u>		
SERIAL NO.	<u>09/853,940</u>		
DOCKET NO.	<u>US010236</u>		
FROM:	Robert J. Krans		
	REGISTRATION NUMBER: 26,358		
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION P.O. Box 3001 BRIARCLIFF MANOR, NY 10510 TELEPHONE: (914) 333-9635			
I certify that this document consisting of <u>12 Pages</u> (including this cover sheet) is being transmitted via facsimile to the United States Patent and Trademark Office at the telephone number set forth above on <u>November 12, 2003</u>			
 Fax Operator			
Encl: Copy of Amendment filed August 23, 2003 including Auto-Reply Facsimile Transmission			
PAGE 1/12 * RCVD AT 11/12/2003 9:03:14 AM [Eastern Standard Time] * SRC:USPTO-EFAXRF-10 * DNS:8729314 * CSID:914 332 0615 * DURATION (mm:ss):04:08			

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2188
CONNECTION TEL	917038729314
CONNECTION ID	
ST. TIME	11/12 10:04
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PGS. SENT	12
RESULT	OK

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TO THE UNITED STATES PATENT AND TRADEMARK OFFICE**

FAX No.: (703) 872-9314

TO: Examiner Abbasi Abdulsalam

SERIAL NO. 09/853,940

DOCKET NO. US010236

FROM: Robert J. Kraus

REGISTRATION NUMBER: 26,358

**PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
P.O. Box 3001
BRIARCLIFF MANOR, NY 10510
TELEPHONE: (914) 333-9635**

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**FACSIMILE TRANSMISSION
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE**

FAX No.: (703) 872-9314

TO: Examiner Abbasi Abdulsalam

SERIAL NO. 09/853,940

DOCKET NO. US010236

FROM: Robert J. Kraus

REGISTRATION NUMBER: 26,358

**PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
P.O. Box 3001
BRIARCLIFF MANOR, NY 10510
TELEPHONE: (914) 333-9635**

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Fax Operator

Encl: Copy of Amendment faxed August 25, 2003 including Auto-Reply Facsimile Transmission

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 207 655 3432

Fax Information

Date Received:

Total Pages:

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10 (including cover page)

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DAVID R. TREACY 207 655 3432 08/25/03 04:53:15 PM P. 001

MC SEP 05 2003

Received from 207 655 3432 on 8/25/03 4:53:15 PM [Eastern Daylight Time]

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**FACSIMILE TRANSMISSION
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE**

(703) 872-9314

TO: Abbas Abdulsalam

EXAMINER'S TELEPHONE NUMBER __703 305-8591

ART UNIT __2674

SERIAL NO. __09/853,940

FROM: __David R. Treacy_____

REGISTRATION NUMBER: 25,244

**PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591
TELEPHONE: (207) 333-9634 (R. Kraus)**

I certify that this document consisting of _10_ pages (including this cover sheet, an extension of time, a Credit Card Payment Form, and an amendment under 37 CFR 1.111) is being transmitted via facsimile to the United States Patent and Trademark Office at the telephone number set forth above on August 25, 2003.



Fax Operator

Atty. Docket US 010236

Sent from (207) 655-3432